

## **IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]**

### **Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 97B.4 and 97B.15, the Iowa Public Employees' Retirement System (IPERS) hereby gives Notice of Intended Action to amend Chapter 4, “Employers,” Chapter 6, “Covered Wages,” Chapter 9, “Refunds,” Chapter 11, “Application for, Modification of, and Termination of Benefits,” Chapter 13, “Disability for Regular and Special Service Members,” Chapter 14, “Death Benefits and Beneficiaries,” and Chapter 16, “Domestic Relations Orders and Other Assignments,” Iowa Administrative Code.

The proposed amendments implement certain provisions of 2010 Iowa Acts, House File 2518, which require immediate amendment or adoption of rules, and include: adding provisions for covered wage restorations for employees who bump into lower-paying jobs to avoid layoff, extending the sunset provision for bona fide retirement for licensed health care professionals, adding a provision to clarify presumption for disease contracted by a special service member while on duty, and clarifying that noncovered employment for National Guard members called to active state duty is not covered employment. Additional amendments implementing provisions of 2010 Iowa Acts, House File 2518, which will have deferred effective dates, will be proposed at a later date.

The proposed amendments also accomplish the following:

- Eliminate a provision found at 495—subrule 6.5(8) that is already covered under the IPERS covered wage statute, Iowa Code section 97B.1A(26)(a)(1)(b), and other cafeteria plan rules that govern IPERS coverage for certain cafeteria plan payments referred to in the subrule as bounties (cash paid to employees in lieu of any coverage or family coverage under an employer's health care plan);
- Eliminate provisions regarding refunds to retired reemployed members' contributions that have been superseded by more beneficial statutory changes;
- Streamline the process for distribution of death benefits to multiple beneficiaries;
- Clarify calculations of death benefits under the required minimum distribution requirements; and
- Clarify that certain service purchases may or may not increase the numerator and denominator of the marital portion as used to determine the service factor under a domestic relations order.

There are no waiver provisions included in the proposed amendments.

Any person may make written suggestions or comments on the proposed amendments on or before August 3, 2010. Such written suggestions or comments should be directed to the IPERS Administrative Rules Coordinator at IPERS, P.O. Box 9117, Des Moines, Iowa 50306-9117. Persons who wish to present their comments orally may contact the IPERS Administrative Rules Coordinator at (515)281-3081. Comments may also be submitted by fax to (515)281-0045 or by E-mail to [adminrule@ipers.org](mailto:adminrule@ipers.org).

A public hearing will be held on August 3, 2010, at 9 a.m. at IPERS, 7401 Register Drive, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Persons who attend the hearing will be required to give their names and addresses for the record and to confine their remarks to the subject matter of the amendments.

These amendments were prepared after consultation with IPERS administration, the Benefits Advisory Committee, and the Investment, Legal, Operations and Benefits Divisions.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 8929B**. The content of that submission is incorporated by reference.



These amendments are intended to implement Iowa Code sections 97B.4 and 97B.15 and 2010 Iowa Acts, House File 2518, sections 33, 36 and 41.